

II. REMARKS AND ARGUMENTS

- Formal Matters

- Proper Assent of the Assignee in Compliance with 37 CFR 1.172/3.73

- Examiner's Stance

The Examiner states that the assignee should affirmatively state that no assignee exists.

- Applicant's Response

Applicant in accord with the Examiner's suggestion to correct this formal matter, attaches at the Appendix hereto, page 5, Form PTO/SB/53 "Reissue Application: Consent of Assignee; Statement of Non-Assignment" in which it is stated that ownership of the patent is in the inventor, and no assignment of the patent is in effect. Applicant has also provided in the Supplemental Declaration for Reissue Patent Application a statement that "Ownership of the patent and reissue application is in the inventor and no assignee exists for the original U.S. Letters Patent nor for the reissue application." Therefore it is respectfully asserted that such formal matter is obviated.

- Defective Reissue Oath/Declaration

- Examiner's Stance

The Examiner asserts that the Reissue Declaration filed August 14, 2000 fails to properly identify at least one 35 U.S.C. 251 error, and does not acknowledge the duty to disclose to the Office all information known to the person to be material to patentability. Furthermore, the Examiner notes in any case that a supplemental reissue oath/declaration is need pursuant to 37 CFR 1.175(b)(1) before a reissue application can be allowed, with such supplemental oath/declaration covering errors corrected by amendments filed previously and up to date. The Examiner notes that the supplemental declaration must be signed by all inventors.

- Applicant's Response

Applicant disagrees with the Examiner that applicant has filed to acknowledge the duty to disclose to the Office all information known to the person to be material to patentability in the original reissue declaration, and that such declaration fails to properly identify at least one 35 USC 251 error. However, as requested by the examiner a supplemental reissue oath/declaration is herein provided to more clearly set forth these provisions in conjunction with the other requirements necessary in a supplemental oath/declaration to cover the errors corrected by amendments filed previously and up to date. The declaration is signed by the sole inventor.

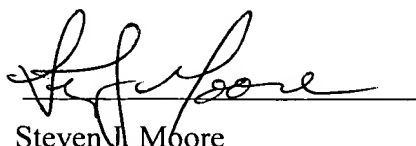
In accord with the recommendation of the Examiner, Applicant has consulted with Henry Yuen of quality control and has discussed the attached supplemental declaration to assure its compliance with the mandates of the office action and the requirements for a supplemental declaration. Applicant expresses his appreciation to Mr. Yuen, and to the Examiner for suggesting a review of the declaration before filing.

CONCLUSION TO REMARKS

Applicant asserts that this application is now condition for issuance. Applicant respectfully seeks early issuance of the patent.

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Respectfully Submitted,



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VI. APPENDIX

- Attached is: PTO/SB/53 ("Reissue Application: Consent of Assignee; Statement of Non-Assignment) (1 page) and "Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 C.F.R. 1.175) (4 pages)